

REMARKS

In a Final Office Action dated November 17, 2006, the Examiner rejected Claims 1-8, 11, 12, 14, 16-27, 30, 31, 33 and 35-38 and object to claims 9, 10, 13, 15, 28, 29, 32 and 34. Also, the Examiner rejected arguments to overcome Embra as a reference.

Applicant addresses first the rejection of applicant's arguments that Embra does not anticipate the application because Embra does not teach a motivating force. The Examiner points out that the atmosphere is a fluid under pressure to motivate the movement of the cylinder. Applicant respectfully disagrees with the finding that the atmosphere provides a motivating fluid.

When used as an adjective such as in "motivating fluid" the word means "impelling to action." While the Examiner is correct that the atmosphere does move into the cylinder based upon movement of the piston within the cylinder, the Examiner fails to recognize that because the pressure of the atmosphere is bearing equally upon the interior and the exterior of the cylinder, no motivation could occur. If such motivation were derivable from the atmosphere, that motivation would power the classic example of a nonstatutory invention, the perpetual motion machine. The pressure present in the atmosphere does not motivate the invention taught by Embra.

Respectfully, the Applicant points out that Embra is a passive device; it is motivated by forces applied from without. In the abstract, Embra notes that he teaches a "vibration damping mount." At 2:34-59 of Embra, the piston mechanism is described:

A piston 66, which includes seals 68 (preferably of a material such as neoprene), is connected to upper end 60 of piston rod 56 through a shaft 72 which has a lower end extending into bushing 62 and retained therein by means of screw 74. Shaft 72 extends into a hollow portion of piston 66, with piston 66 being slideably engaged thereon by virtue of linear bearing 70. A retaining clip 73 helps retain bearing 70 in position. By virtue of the foregoing arrangement, piston 66 is thereby slideably connected to the upper end 60 of piston rod 56. However, such slideable movement is only possible between the lower limit defined by piston 66 abutting pad 64, and an upper limit defined by a rubber pad 78 disposed on a bushing 76 carried within piston 66 on an upper end of shaft 72, contacting an upper end of linear bearing 70. It will be seen then that the upper end 18 of

support rod 16 acts as the mating cylinder for piston 66, the two acting in combination such that upward or downward movement of platform 24 and corresponding movement of attached support tube 16, is inhibited by relative movement of the cylinder or upper end 18, with respect to piston 66 when piston 66 is at the upper or lower limit positions. *This of course is due to the fact that air can only ingress or egress into the upper end 18 at a restricted rate in accordance with the setting of valve screw 21.*

Embra is teaching the use of a captive column of a fluid (atmospheric air) being used as a resilient member to damp action imparted from outside of the system. The teaching is to dissipate energy and not as the application teaches the imparting of an energy contained in a motivating fluid under pressure. Except as present in the cylinder when subjected to an external force, such as a vibratory input, the fluid within the cylinder is relative close in pressure to the atmospheric air and cannot be said to be motivated by the atmospheric pressure.

To further accentuate the teaching contained in the use of the term “motivating” as an adjective in the specification, the claims have been amended to point out that the support unit moves in response to admission of the motivating fluid under pressure. In their current state, the claims are allowable over Embra. The Examiner’s rejections under §103 are likewise overcome by the failure of Embra as a reference.

The Examiner’s rejections having been duly met, the Applicant respectfully asserts that the claims are in a condition for allowance. The Applicant requests that any questions be directed to Applicant’s attorney of record, the undersigned.

CONCLUSION

If there are any questions regarding this application, or any matters that may be handled by telephone conference, the Examiner is kindly invited to telephone the undersigned attorney.

Respectfully submitted,

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
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